

## **MACEDONIA (Tier 1)**

Macedonia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Macedonian women and children are trafficked within the country. Foreign victims subjected to forced prostitution or forced labor in Macedonia originate in Albania, Bulgaria, Serbia, Ukraine, and Kosovo; and Macedonians are subjected to forced labor and sex trafficking in Europe. Children, including ethnic Roma, are subjected to forced begging in streets and public markets. During the year, authorities reported an increase in undocumented foreign migrants in the country, a group vulnerable to trafficking. A 2011 labor sector assessment found the prevalence of labor exploitation to be greatest in Macedonia's textile sector, mostly in southeast Macedonia, and significantly prevalent in civil engineering, tourism, catering, and agriculture. Trafficking offenders increasingly used false marriage, particularly among the ethnic Roma population, as a tactic to lure victims into forced prostitution.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government sustained its vigorous prosecution and conviction of trafficking offenders, and proactively investigated trafficking complicity. The government effectively partnered with NGOs providing victim assistance in its domestic shelter and demonstrated a sensitive approach to victim-witnesses. The government failed, however, to provide adequate financial resources for victim care in the shelter, and did not provide critically needed resources for reintegration. The government continued to identify only a small number of victims relative to the rest of the region. The lack of results in victim identification continued to suggest some front-line responders and other officials lack a full understanding of the complexities of trafficking and the required skills to identify potential victims, thus failing to ensure victims' full access to their rights and protection under Macedonian law.

**Recommendations for Macedonia:** Proactively improve victim identification efforts to locate potential domestic and foreign trafficking victims in Macedonia; ensure that victims are not deported and punished as a result of their trafficking; ensure that foreign women entering the country on entertainment visas receive information on trafficking and their rights in Macedonia; pursue potential cases of trafficking that involve non-physical forms of coercion; institutionalize and increase funding to ensure comprehensive care, sustainability of the shelter, and reintegration services for victims; continue to build the anti-trafficking expertise of social workers to ensure their engagement in reintegration; follow through on plans to establish local commissions to decentralize and improve victim identification throughout the country; provide more incentives, including not detaining potential victims in the transit shelter, for foreign trafficked children and adults to stay in Macedonia long enough to assist in bringing their traffickers to justice; streamline interagency reporting and advance the use of an automated case management system in courts to produce final trafficking case statistics, including data of jailed convicted offenders; and continue to use the national rapporteur report as a tool for centralized reporting, including more self-critical analysis and making clear distinctions between trafficking and migrant smuggling.

### **Prosecution**

The Government of Macedonia sustained its efforts to prosecute and punish trafficking offenders during the reporting period. The government prohibits sex and labor trafficking through articles 418(a) and (d) of its 2004 criminal code. The minimum penalty prescribed for sex trafficking is four years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2011, the government completed

four trafficking investigations involving 29 suspects, including two public officials. During the year, Macedonian courts also convicted nine trafficking offenders, compared with 21 convicted offenders in 2010. Sentences for the nine convicted offenders ranged from two to nine years in prison. The government convicted all but one of these offenders under its anti-trafficking law. Courts convicted two offenders for sex trafficking, two offenders for labor trafficking, and five offenders on charges of both. Macedonian law prevents the imposition of jail sentences until the appeal process is complete; authorities confirmed that of the nine convicted, six are currently in jail. In April 2011, a court of appeals upheld the convictions of six trafficking offenders, including a complicit government official noted in the previous TIP Report. According to the government, trafficking offenders, complicit local police officers, and nightclub owners are familiar with the standard questions used by officials to identify trafficking victims and have thus modified their modus operandi to keep victims in a state of servitude and evade law enforcement. Observers reported concerns of complicity among local officials and police, specifically involving bars and nightclubs in western Macedonia. In April 2011, the Skopje Court of Appeals upheld a conviction and sentence of a police officer to 8.5 years in prison for facilitating the sex trafficking of children. It also investigated two other local police officers for trafficking-related complicity during the year.

## **Protection**

The Government of Macedonia maintained protections for identified domestic trafficking victims during the reporting period, specifically by including NGOs as primary care providers in its domestic trafficking shelter and funding the shelter's basic operating costs. The government, however, did not make critically needed improvements in victim identification nor did it ensure adequate funding for comprehensive victim care and reintegration. It reported identifying 12 trafficking victims in 2011, the same number it identified in 2010. Country experts raised concerns during the year about local police conducting raids in bars without coordinating with the anti-trafficking unit. Police reportedly transferred foreign national women working illegally in these establishments to immigration police for immediate deportation without a proper assessment of trafficking indicators. In 2011, authorities in Ukraine and Bulgaria identified victims subjected to forced prostitution in Macedonia. According to local experts, the government's focus on victims' initial consent to be smuggled into Macedonia as well as on the lack of limitations on foreign victims' freedom of movement suggests serious misunderstandings about the definition of trafficking, risking victims' punishment for crimes committed as a direct result of being trafficked. According to an anti-trafficking report issued by the Belgian government in 2011, a Macedonian sex trafficking victim was granted refugee status in Belgium in October 2010. The Belgian court based its determination on the trafficking offender's alleged collusion with Macedonian authorities, the victim's well-founded fear of reprisal, and the Macedonian government's inability to protect her.

The government sustained partnerships with two NGOs that provided victims with social assistance, legal aid, vocational training, and psychosocial support in the domestic trafficking shelter in 2011. The government provided a total funding the equivalent of \$14,000 to two NGOs providing victim services in this shelter. Other than the annual grant, however, NGOs must secure outside funding for all other assistance for victims, including food and medical services. Although the government appointed four social workers to assist with critical victim reintegration in 2011, NGOs report little concrete engagement from this sector. According to one NGO, authorities referred domestic victims directly to the shelter post-raid, and police demonstrated a victim-sensitive approach in victims' cases. Twelve trafficking victims testified before an investigative judge in 2011, five of whom testified in a trial. The government

continued its good practice of assigning a guardian to each identified child trafficking victim to help ensure a continuum of care and trust.

The government continued to operate a reception center for foreign migrants and trafficking victims, in which trafficking victims were detained during the recovery and reflection period. The government did not ensure an NGO presence in the transit shelter to assist with the identification process nor ensure potential trafficking victims awaiting deportation procedures received specialized care and assistance. The government offers temporary residency permits to foreign trafficking victims only if they cooperate in the investigation and prosecution of their traffickers, though no such residency permits were granted to trafficking victims during the reporting period. Authorities referred four suspected foreign victims from Albania, Bulgaria, and Kosovo to the government's reception center in 2011; however, it determined that two potential victims from Kosovo, including a child, were not trafficking victims. The Bulgarian victim testified in front of an investigative judge within days of her identification and only stayed at the reception center for seven days.

## **Prevention**

The Government of Macedonia sustained its anti-trafficking prevention efforts during the reporting period. It provided the equivalent of \$14,000 to two anti-trafficking NGOs to implement anti-trafficking prevention campaigns primarily aimed at school children and college students. The government, through the national commission and in partnership with NGOs, organized anti-trafficking workshops and presentations, including some implemented through local trafficking prevention councils in some cities in 2011. The government undertook some measures to prevent child begging in 2011, including removing children from the streets and placing some in orphanages; it reportedly prosecuted and sentenced some parents to jail time for forcing their children to beg. According to one NGO, however, the heavy media attention surrounding these operations resulted in sensationalizing the issue of child begging, with little positive impact on the children. In January 2012, the government's national rapporteur published Macedonia's third annual report on trafficking; the report contained useful case-based analyses and some pragmatic, self-critical recommendations for future progress.